



**City of  
Norfolk**

Inter Department Correspondence Sheet

TO: Members of City Council

FROM: Breck Daughtrey, City Clerk

COPIES TO: \_\_\_\_\_

SUBJECT: Minutes of City Council Meeting

July 17, 2015

Attached are the minutes of the City Council meeting held on Tuesday, July 14, 2015.

Breck

# **NORFOLK, VIRGINIA**

## **REGULAR SESSION OF COUNCIL**

**TUESDAY, JULY 14, 2015**

President Fraim called the meeting to order at 5:20 p.m. with the following members present: Ms. Graves Ms. Johnson, Mr. Protogyrou, Mr. Smigiel, Dr. Whibley, and Mr. Winn. Mr. Riddick was absent.

He thereupon called on the City Manager to review the work session agenda. That accomplished, President Fraim called for council to meet in closed session.

### **CLOSED SESSION**

Motion for closed session was approved for purposes which are set out in **Clause (s) 1, 3 and 29 of subsection (A) of Section 2.2-3711 of the Virginia Freedom of Information Act**, as amended:

- (1) Discussion of candidates for appointment to city boards, commissions and authorities.
- (3) Discussion of the acquisition of real property for public purpose in the Lake Wright area of the city.
- (29) Discussion of a public contract involving the expenditure of public funds, and discussion of the terms of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

## **HURRICANE PREPAREDNESS:**

Jim Redick, Director of Emergency Services, reported as follows:

- Information on preparedness is being disseminated to the public.
- New mapping tools are being implemented that model storm surge flooding and allow citizens to report flooded streets through an app.
- Work on sheltering includes providing emergency power to shelters and recruiting churches as supplemental shelters.

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**TUESDAY, JULY 14, 2015 – 7:00 P.M.**

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to excuse Mr. Riddick from today's meeting.

**Motion adopted.**

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

**NORFOLK, VIRGINIA**  
**ACTION OF THE COUNCIL**  
**TUESDAY, JULY 14, 2015 – 7:00 P.M.**

Prayer offered by Vice Mayor Angelia Williams Graves, followed by the Pledge of Allegiance.

The following members were present: Mrs. Graves, Mrs. Johnson, Mr. Protogyrou, Mr. Smigiel, Dr. Whibley, Mr. Winn and Mr. Fraim.

President Fraim moved to excuse Mr. Riddick from today's meeting.

**Motion adopted.**

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

## **CERTIFICATION OF CLOSED MEETING**

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

## **CEREMONIAL MATTER**

President Fraim read a proclamation proclaiming Sunday, July 26, 2015 as the 25<sup>th</sup> Anniversary of the Americans with Disabilities Act. Ms. Shirley Confino-Rehder, Chair of the Mayor's Commission for Persons with Disabilities accepted the Proclamation and submitted the Commission's 2014 annual report to council.

## **INVITATIONS TO BID**

IB-1

**INVITATION TO BID** scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for the extension of that certain Garage Parking Agreement between **120 Brooke, LLC and the City of Norfolk**, for **86 residential parking spaces** in the **Boush Street Garage** for a period of ten years to commence on the termination date of the current Agreement.

Thereupon, An Ordinance entitled, "An Ordinance accepting the bid submitted by 120 Brooke, LLC for the extension of that certain Garage Parking Agreement between **120 Brooke, LLC and the City of Norfolk**, for **86 residential parking spaces** in the **Boush Street Garage** for a period of ten years to commence on the termination date of the current Agreement," was introduced in writing and read by its title.



**ACTION:** The Ordinance as introduced was **adopted**, effective August 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

IB-2

**INVITATION TO BID** scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for the extension of that certain Garage Parking Agreement between **GNK, LLC and the City of Norfolk**, for **107 residential parking spaces** in the **Freemason Street Garage**, for a period of fifteen years and one month, to commence on the termination date of the current Agreement.

Thereupon, An Ordinance entitled, "An Ordinance accepting the bid submitted by GNK, LLC for the extension of that certain Garage Parking Agreement between **GNK, LLC and the City of Norfolk**, for **107 residential parking spaces** in the **Freemason Street Garage**, for a period of fifteen years and one month, to commence on the termination date of the current Agreement" was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

IB-3

**INVITATION TO BID** scheduled this day pursuant under State Law, public notice having been inserted in the local press by the City Clerk to accept bids for the extension of that certain Garage Parking Agreement between **Seaboard Building, LLC and the City of Norfolk**, for **40 residential parking spaces** in the **Boush Street Garage** and **95 residential parking spaces** in the **Town Point Garage**, for a period of ten years, to commence on the termination date of the current Agreement.

Thereupon, An Ordinance entitled, "An Ordinance accepting the bid submitted by Seaboard Building, LLC for the extension of that certain Garage Parking Agreement between **Seaboard Building, LLC and the City of Norfolk**, for **40 residential parking spaces** in the **Boush Street Garage** and **95 residential parking spaces** in the **Town Point Garage**, for a period of ten years, to commence on the termination date of the current Agreement," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective August 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

### **REGULAR AGENDA**

R-1 Matter of a letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** to permit the creation of a flag lot on property located at **4818 Kennebeck Avenue**," was introduced in writing and read by its title.

(Passed by at the June 9, 2015 meeting)

Jackie Rochelle, President, Greenwood/Elmhurst/Norview Heights Civic League, 3314 Sewells Point Road, commented that an agreement had been reached and the civic league now supports this matter.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.



R-2

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment named 'Ichan Japanese Ramen' on property located at **5720 Hoggard Road, Suite F**," was introduced in writing and read by its title.

Jun Win Jia, 5720 Hoggard Road, the applicant, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, "An Ordinance granting a **Special Exception** authorizing the operation of an eating and drinking establishment known as 'Sweet Teas' on property located at **411 Granby Street, Suite B**," was introduced in writing and read by its title.

Rick Henn, 1400 Granby Street, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-4

Letter from the City Manager and a Resolution entitled, "A Resolution requesting Hampton Roads Transit to initiate **Formal Environmental Impact Studies** for specific options to extend light rail transit in Norfolk to Naval Station Norfolk," was introduced in writing and read by its title.

Ellis James, 2021 Kenlake Place, spoke in favor of this matter and on the value of Light Rail for the future.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting the conveyance of a **Temporary Construction Easement** by **Camden W. Selig and Ellen M. Selig** to the City of Norfolk and authorizing the City Manager to accept the easement on behalf of the City," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting the conveyance of a **Temporary Construction Easement** by **William S. Miller, III and Georgina R. Miller** to the City of Norfolk and authorizing the City Manager to accept the easement on behalf of the City," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, "An Ordinance authorizing the acceptance of \$73,905.00 from the Clerk of the Norfolk Circuit Court originating from a grant from the **Virginia Substance Abuse Mental Health Services Administration (SAMHSA)**, appropriating the funds and authorizing the expenditure of \$9,745.00 in previously appropriated funds for a **special project employee position**," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, "An Ordinance accepting \$113,617 in **Local Emergency Management Grant Funds from the Virginia Department of Emergency Management**, appropriating and authorizing the expenditure of the grant funds and authorizing the expenditure of up to \$113,617 in local matching funds to **support salaries and for other emergency related costs**," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-9

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of **\$72,612.31**, plus interest, to **Bottling Group, LLC** based upon the overpayment of its business machinery and tools tax for the tax years 2011 through 2014," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.

R-10

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of **\$6,157.86**, plus interest to **Clark, Dolph, Rapaport, Hull & Brunick, PLC** based upon the overpayment of its business license tax for the year 2015," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Frain.

No: None.



R-11

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of **\$3,776.60**, plus interest to **Miller Oil Co., Inc.** based upon the overpayment of its business license tax for the year 2015," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

R-12

Letter from the City Attorney and an Ordinance entitled, "An Ordinance directing the City Treasurer to issue a refund in the amount of **\$19,339.34**, plus interest, to **Moran Towing Corporation** based upon the overpayment of business personal property tax for the year 2015," was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective July 14, 2015.

Yes: Graves, Johnson, Protogyrou, Smigiel, Whibley, Winn and Fraim.

No: None.

### **NEW BUSINESS**

1. Nathaniel (Nate) Apatov, Greater Pinewell Civic League President, 9716 Hammett Parkway, complimented the Library Director, Sonal Rastogi on the quick response to incidents that occurred at the Pretlow Library which resulted in a newspaper article.
2. Ronald Green, P.O. Box 9901, spoke on behalf of the United Front for Justice and asked council to vote on a Resolution to repeal or amend Virginia Code Section 15.2-1812, making it lawful to remove the city's Confederate monument on Main Street. Mr. Green also presented a petition supporting this request.
3. Michael Muhammad, 801 E. 26<sup>th</sup> Street, Suite E-5, stated that there were issues with our police system that held people back from filing grievances, and named Marius Mitchell as an example of citizens being harassed by police if they try to file a complaint.
4. Danny Lee Ginn, 3845 Dare Circle, commented that the Norfolk City Charter does not set out specific duties of a Vice Mayor.